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27
28 **UNITED STATES DISTRICT COURT**
16
17 **DISTRICT OF NEVADA**

18 SONORO INVEST S.A., a Panamanian
19 corporation,

Case No. 2:15-cv-2286

20 Plaintiff,
21 v.
22 ROBERT MILLER, an individual; ANDREW
23 SHERMAN, an individual; COSTAS TAKKAS, an
24 individual; and STEPHEN GOSS, an individual,
25 Defendants,
26 and
27 ABAKAN, INC., a Nevada corporation,
28 Nominal Defendant.

**STIPULATION AND
[PROPOSED] ORDER
TO STAY ALL DEADLINES
IN THE SCHEDULING ORDER
DUE TO A PENDING SETTLEMENT**

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1 Plaintiff Sonoro Invest S.A. (“Sonoro”) and Defendants Robert Miller (“Miller”), Andrew
 2 Sherman (“Sherman”), Costas Takkas (“Takkas”), and Stephen Goss (“Goss”) (collectively, the
 3 “Parties”), by and through their respective counsel, submit this Stipulation to stay all current
 4 deadlines in the operative Scheduling Order (ECF No. 145) due to a pending settlement.

5 1. On July 17, 2017, the Parties executed a Binding Term Sheet for Settlement (“Binding
 6 Term Sheet”) that is intended to resolve any and all claims between the Parties.

7 2. Pursuant to the terms of the Binding Term Sheet, the Parties must submit a joint
 8 request to the Court to stay this action for thirty (30) days in order to draft and execute a longer-form
 9 definitive agreement (“Long-Form Agreement”), and to seek Court approval thereof.¹

10 3. The Parties intend to seek approval by the Court of the Long-Form Agreement, or the
 11 Binding Term Sheet, as the case may be, pursuant to Fed.R.Civ.P. 23.1(c). Upon Court approval,
 12 Sonoro will dismiss, with prejudice, the above-captioned action.

13 4. The current deadlines in the Scheduling Order (ECF No. 145) are as follows:

- 14 i. Amending the Pleadings and Adding Parties – November 2, 2017
- 15 ii. Interim Status Report – December 1, 2017
- 16 iii. Expert Disclosures – December 1, 2017
- 17 iv. Rebuttal Expert Disclosures – January 9, 2018
- 18 v. Discovery Cut-Off – January 30, 2018
- 19 vi. Dispositive Motions – March 1, 2018
- 20 vii. Pretrial Order – April 2, 2018

21 5. In compliance with the Binding Term Sheet, the Parties stipulate and agree to stay this
 22 action, including the above-referenced deadlines and all discovery, in order to provide sufficient time
 23 to effectuate the settlement.

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 27 ¹ Pursuant to the terms of the Binding Term Sheet, if the parties are unable to execute a Long-Form
 28 Agreement within such time, the Binding Term Sheet shall be the final, binding settlement agreement
 between the Parties which shall be submitted to the Court for approval.

1 6. In the unlikely event the Parties are unable to effectuate the settlement, they will
 2 jointly seek the entry of a new scheduling order.

3 Respectfully submitted,

4 Dated: July 18, 2017

<p>5 By: <u>/s/ Michael A. Kolcun</u></p> <p>6 David Marder, Esq. (<i>pro hac vice</i>) 7 Sherli Furst, Esq. (<i>pro hac vice</i>) 8 Michael A. Kolcun, Esq. (<i>pro hac vice</i>) 9 ROBINS KAPLAN LLP 10 399 Park Avenue, Suite 3600 11 New York, New York 10022-4611 12 Telephone: (212) 980-7400 13 Facsimile: (212) 980-7499 14 DMarder@RobinsKaplan.com 15 SFurst@RobinsKaplan.com 16 MKolcun@RobinsKaplan.com</p> <p>17 James Patrick Shea, Esq. 18 Scott D. Fleming, Esq. 19 Armstrong Teasdale LLP 20 3770 Howard Hughes Parkway, Suite 200 21 Las Vegas, NV 89169 22 Main: (702) 678-5070 23 Direct: (702) 473-7079 24 Cellular: (702) 743-6263 25 JShea@ArmstrongTeasdale.com 26 SFleming@ArmstrongTeasdale.com 27 Counsel for Plaintiff Sonoro Invest S.A.</p>	<p>5 /s/ <u>Christina C. Tizzano</u> 6 Christina C. Tizzano, Esq. (<i>pro hac vice</i>) 7 The Chilcote Law Firm LLP 8 The Cedar-Grandview Building 9 12434 Cedar Road, Suite Number 3 10 Cleveland Heights, Ohio 44106 11 Telephone: (216) 795-4117 12 Facsimile: (216) 795-4245 13 christina.tizzano@chilcotelaw.com</p> <p>14 Patrick J. Reilly, Esq. (6103) 15 Andrea M. Champion, Esq. (13461) 16 Holland & Hart LLP 17 9555 Hillwood Drive, Second Floor 18 Las Vegas, Nevada 89134 19 Tel: (702) 669-4600 20 Fax: (702) 669-4650 21 preilly@hollandhart.com 22 amchampion@hollandhart.com 23 Attorneys for Defendant Andrew J. Sherman</p>
<p>19 /s/ <u>Adam Jacob Yormack</u></p> <p>20 Adam Jacob Yormack, Esq. (<i>pro hac vice</i>) 21 Yormack, PA 22 2525 Ponce De Leon, Suite 300 23 Coral Gables, FL 33134 24 Tel: (303) 919-4231 25 adam.yormack@yormackpa.com</p> <p>26 Kirill Mikhaylov, Esq. 27 Hall Prangle & Schoonveld LLC 28 1160 N Town Center Dr Ste 200 29 Las Vegas, NV 89144 30 Tel: (702) 889-6400 31 Facsimile: (702) 384-6025 32 kmikhaylov@hpslaw.com 33 Attorneys for Defendant Robert Miller</p>	<p>19 /s/ <u>Mark D. Hunter</u></p> <p>20 Mark D. Hunter, Esq. (<i>pro hac vice</i>) 21 Hunter Taubman Fischer LLC 22 255 University Dr 23 Coral Gables, FL 33134 24 Telephone: (305) 629-8816 25 mhunter@htflawyers.com</p> <p>26 Maximiliano D. Couvillier , III, Esq. 27 Black & LoBello 28 10777 West Twain Ave., Ste. 300 29 Las Vegas, NV 89135 30 Telephone: (702) 869-8801 31 Facsimile: (702) 869-2669 32 mcouvillier@blacklobello.law 33 Attorneys for Defendant Costas Takkas</p>

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties of record via ECF on this 18th day of July, 2017.

By: /s/ Jessica Myrold
Jessica Myrold

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: